

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHERYL COOK, GWENDOLYN CHISOLM, and
THE ESTATE OF WILLIAM A. STEWART JR.

Index No.: 10 CIV 2632
(LTS)(JLC)

Plaintiffs,

- against -

**PLAINTIFF'S PROPOSED
VERDICT FORM**

SUGAR HILL MUSIC PUBLISHING, LTD.,
DIAMOND HEAD MUSIC, INC. d/b/a TWENTY
NINE BLACK MUSIC, JOEY ROBINSON,
SYLVIA ROBINSON and LELAND ROBINSON,

Defendants.
-----X

Pursuant to paragraph 7 of the Court's Pre-Trial Scheduling Order dated September 10, 2010, Plaintiff the Estate of William A. Stewart Jr. ("Plaintiff"), by its attorneys submits the following as its proposed verdict form:

1. Do you find that Plaintiff is a co-owner of a valid copyright in "No Diggity"?

YES _____ NO _____ Dissenting Juror (if any) _____ .

If your answer to Question No. 1 is "YES," proceed to Number 2.

If your answer is "NO," proceed to Question No. 8.

2. Do you find that any of the Defendants infringed Plaintiff's copyright by reproducing, distributing, performing, displaying, preparing derivative works, or authorizing (licensing to) another person to reproduce, distribute, perform, display, prepare derivative works, or otherwise use "No Diggity"?

YES _____ NO _____ Dissenting Juror (if any) _____ .

If your answer to Question No. 2 is "YES," proceed to Number 3.

If your answer is "NO," proceed to Question No. 8.

3. If the answer to Question No. 2 is "YES", which of the Defendants did or authorized those the acts that you found to be infringing in Question No. 2?

Dissenting Juror (if any) _____.

Proceed to Question No. 4.

4. (Complete Parts A, B **and** C)

(a) We, the undersigned jurors, assess the actual damages that Plaintiff suffered at \$ _____.

Dissenting Juror (if any) _____.

(b) We, the undersigned jurors, assess Defendants gross collections/revenues at \$ _____.

Dissenting Juror (if any) _____.

(c) We, the undersigned jurors, assess Defendants costs at \$ _____.

Dissenting Juror (if any) _____.

Proceed to Question No. 5.

5. We, the undersigned jurors, assess statutory damages on Plaintiff's copyright infringement claim at \$ _____.

Dissenting Juror (if any) _____.

Proceed to Question No. 6.

6. Do you find that Defendants' infringement of Plaintiff's copyright was willful?

YES _____ NO _____ Dissenting Juror (if any) _____.

If your answer to Question No. 6 is "YES," proceed to Number 7.

If your answer is "NO," proceed to Question No. 8.

7. Based upon a finding of willful infringement, we, the undersigned jurors, increase the above award of statutory damages to Plaintiff for its claim of copyright infringement claim to \$ _____.

Dissenting Juror (if any) _____.

Proceed to Question No. 15.

8. Do you find that Stewart signed both the alleged assignment agreement and the alleged publishing agreement (the "Alleged Agreements")?

YES _____ NO _____ Dissenting Juror (if any) _____.

If your answer to Question No. 8 is "YES," proceed to Number 9.

If your answer is "NO," proceed to Question No. 15.

9. How much money do you find that Defendants collected under the Alleged Agreements?
\$ _____

Dissenting Juror (if any) _____.

Proceed to Question No. 10.

10. Do you find that Defendants paid Plaintiff or Stewart any monies under the Alleged Agreements?

YES _____ NO _____ Dissenting Juror (if any) _____.

If your answer to Question No. 10 is "YES," proceed to Number 11.

If your answer is "NO," proceed to Question No. 12.

11. If the answer to Question No. 10 is "YES" how much money do you find that Defendants paid to Stewart and/or Plaintiff? \$_____.

Dissenting Juror (if any) _____.

Proceed to Question No. 12.

12. Do you find that Defendants breached the Alleged Agreements?

YES _____ NO _____ Dissenting Juror (if any) _____.

If your answer to Question No. 12 is "YES," proceed to Number 13.

If your answer is "NO," proceed to Question No. 15.

13. Based upon a finding of breach of the Alleged Agreements we, the undersigned jurors find that Plaintiff is entitled to \$_____ in damages for breach of contract.

(In considering these damages you cannot award Plaintiff any amounts that Plaintiff or Stewart have already been paid by Defendants. Your verdict should be calculated as follows: 60% of the gross amount of monies collected by Defendants (60% of the amount that you answered in Question 9 above) minus any monies that you find that Plaintiff or Stewart were paid by Defendants (amount that you answered in question 11 above, if any)).

Dissenting Juror (if any) _____.

Proceed to Question No. 14.

14. Do you find that Defendants' breach of the Alleged Agreemetns is material?

YES _____ NO _____ Dissenting Juror (if any) _____.

Proceed to Question No. 15.

15. Do you find that any of the Defendants were enriched by receiving money at Plaintiff's expense?

YES _____ NO _____ Dissenting Juror (if any) _____.

If your answer to Question No. 15 is "YES," proceed to Number 16.

If your answer is "NO," proceed to Question No. 19.

16. If the answer to Question No. 15, is "YES" which of the Defendants were enriched by receiving money at Plaintiff's expense?

Dissenting Juror (if any) _____.

Proceed to Question No. 17.

17. Do you find that it would be unfair for those Defendants named in response to Question No. 16 to be allowed to keep the monies they collected?

YES _____ NO _____ Dissenting Juror (if any) _____.

If your answer to Question No. 17 is "YES," proceed to Number 18.

If your answer is "NO," proceed to Question No. 19.

18. How much money do you find was collected by Defendants that should have been Plaintiff's?

\$ _____.

Dissenting Juror (if any) _____.

Proceed to Question No. 19.

19. Do you find that any of the individual Defendants should be held individually liable for the acts of the corporate entities?

YES _____ NO _____ Dissenting Juror (if any) _____.

If your answer to Question No. 19 is "YES," proceed to Number 20.

20. If the answer to Question No. 19, is "YES" which of the individual Defendants should be held individually liable?

Dissenting Juror (if any) _____.

(Foreperson)

Juror No. 2

Juror No. 3

Juror No. 4

Juror No. 5

Juror No. 6

Dated: New York, New York
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